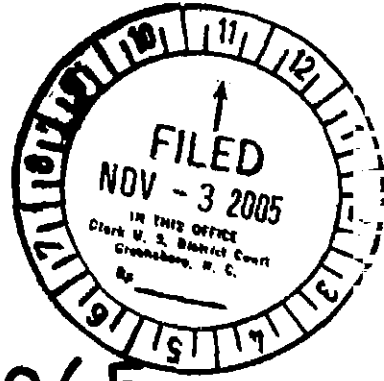


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



Duncan J. McNeill III,)
)
Plaintiff,)
)
v.)
)
United States, et al.,)
)
Defendant(s).)

1:05CV00965

RECOMMENDATION AND ORDER
OF UNITED STATES MAGISTRATE JUDGE

Plaintiff, a prisoner of the State of Washington, has submitted a civil complaint involving a bankruptcy action. The form of the complaint is such that serious flaws make it impossible to further process this complaint. The problems are:


1. Filing fee was not received nor was a proper affidavit to proceed in forma pauperis submitted, with sufficient information completed or signed by the plaintiff, to permit review.
2. Plaintiff has failed to provide a sufficient number of copies. Plaintiff must submit the original, one copy for the court, and one copy for each defendant named.
3. Plaintiff has named defendants in this district but fails to allege any facts involving them or allege any occurrences within this district. Plaintiff was advised in an earlier action that he should file this action in the district having a connection to the actions of which he is complaining. His naming of officials in this district as defendants does not resolve the problem.

Consequently, this particular complaint should be dismissed, but without prejudice to plaintiff filing a new complaint in the proper district.

In forma pauperis status is granted for the sole purpose of entering this order and recommendation.

IT IS THEREFORE ORDERED that in forma pauperis status is granted for the sole purpose of entering this order and recommendation.

IT IS RECOMMENDED that this action be filed and dismissed sua sponte without prejudice to plaintiff filing a new complaint in the proper district.

A handwritten signature in black ink, appearing to read "Wallace W. Dixon", written in a cursive style.

Wallace W. Dixon, U.S. Magistrate Judge

November 3, 2005